THE COURTS

THE GREAT TWEED TRIAL—SEVENTH DAY

Purther Objections on the Part of the Defence Overruled by the Court---Wide-Awake Counsel and a Somnolent Jury-Testimony of B. S. Storrs--- All About the Vouchers, but Little Enlightenment-Continuation of the Case To-Day.

THE RING REGIME-REMINISCENCES REVIVED

A Legal Squabble Over Rent for an Armory-An Alternative Writ of Mandamus Against the Comptroller-The . Case To Be Disposed of To-Day.

THE JUMEL ESTATE CASE.

Testimony for the Defence-Impeaching the Evidence of the Plaintiff Bowen and the Witness Hall-A Lively Bout Between Counsel-The Court Called Upon to Interfere.

GRAND JURIES FOR FEBRUARY.

Impanelling Grand Juries for the Oyer and Terminer and General Sessions-Names on the Panels.

BUSINESS IN THE OTHER COURTS.

Summaries-A Bankruptcy Decision-Suit Against Secretary Boutwell-A Collision Case in Admiralty-Question of Salaries-Suit Upon a Letter of Administration—Action for Services Rendered-Trials and Convictions in the General Sessions.

The Tweed trial was resumed yesterday (seventh day) in the Court of Oyer and Terminer, before Judge Davis. Mr. Storrs, Deputy Comptroller, was on the stand during the whole of the session, and his examination was not concluded at the adjournment. His testimony principally related to identification of vouchers for work done on the County Court House and the signatures thereto. Counse for the defence raised numerous objections to the admissibility of portions of the testimony, which were, however, all overruled by the Court. Mr.

Storrs' examination will be resumed this morning.

In the United States Circuit Court yesterday one Bartholomew Clifford Galvin filed in person declaration against Mr. Boutwell, Secretary of the Treasury, to recover damages to the extent of 22,000,000. Not long since the initiation of this suit was noticed in the columns of the HERALD. well negotiated with him for a plan to equalize the value of gold coin and paper money, and that Mr. Boutwell adopted this by which the Secretary of the Treasury was to be sole dictator of the value of gold; that he could sell it in such quantities as he pleased and at such prices as he desired to affix to it, and that people are to be compelled to buy it at those prices, which are to be on a decreasing scale until preenbacks are at par. Importers are to be allowed The plaintiff sets forth two millions of dollars as the lowest amount he ought to charge Mr. Boutwell for putting him in the way of carrying out this financial scheme. It is supposed that the suit will not be proceeded with. The plaintiff re-

uses to employ a lawyer.
Yesterday the matter of Nathaniel Dole, a bank rupt, came before Judge Woodruff, in the United tates Circuit Court, on petition for review. The assignee sought to examine the bankrupt to disthe latter. Judge Woodruff denied the motion asking for a stay of proceedings, holding that the discharged in 1868. On behalf of the bankrupt it was contended that the limitation in section 2 of the act prevented an examination being had. Judge Biatchford decided otherwise and Judge Woodrug backs up the decision of Judge Blatchford.

Charles Gordon, a French boy, was brought be fore Commissioner Shields yesterday and charged with having smuggled into this port, by the German steamer Thorwaldsen, two dozen gold watche and four dozen gold rings. The accused had the articles concealed upon his person; but it appeared that he received them on board from some un-known person, who desired him to take the goods ashore. By consent of the District Attorney the boy was discharged, but the valuables were turned over to the government.

Christopher Yetta and Frederick Glang, distillers, soing business at Thirty-ninth street and First avenue, were brought before Commissioner Shields from the government by making whiskey and rum from molasses instead of only apple whiskey, to the manufacture of which they were, it is claimed, confined by the terms of their license. They were held

in ball for examination.

The hearing of the case of George Washington Bowen vs. Nelson Chase was resumed yesterday in the United States Circuit Court, before Judge Shipman and the special jury. Evidence was given on the part of the defendant, for the purpose of showing contradictions in the testimony of Daniel Hull, one of the witnesses for the plaintiff. The case was adjourned till to-day. In the United States Circuit Court yesterday

Judge Woodruff denied the motion for review of A. H. Rainey, assignee of Alfred Wild, who had been discharged as a bankrupt by the District Court.

A matter came yesterday before Judge Barrett, at Supreme Court, Chambers, which gives a little insight into now things were managed under the ring régime relative to renting premises to be used as armories. In this case the Comptroller has refused to pay \$17,500 rent, on the ground that it is largely in excess of what the premises were worth. Application was made for a peremptory mandamus against the Comptroller, directing him to pay the amount claimed. It was finally agreed to accept an alternative writ, returnable this morning, when all the lacts in the case will doubtless be thor

oughly ventilated.

Grand juries for the February term of the Courts of Oyer and Terminer and General Sessions were drawn yesterday in the presence of Judge Barrett, at Supreme Court, Chambers. A list of the jurors drawn is printed in our legal columns, and they citizens. If these men can only be made to serve, and not be let off on the shallow pretence of busi-ness engagements, the work of criminal reform in this city will be materially abetted.

THE GREAT TWEED TRIAL-SEV-ENTH DAY.

Proceedings Yesterday-Further Object ruled by the Court-Examination of Richard S. Storrs-All About the Burned Vouchers-Spicy Tilts Between Counsel-What the "Boss" Thinks of

The proceedings in the great Tweed trial yester-day were conducted with an carnestness and

both on the part of coursel for the prosecution and the defence, which exhibited a determination to fight the trial out on the line taken to the endno matter what time it may consume. The exami-nation of Deputy Comptroler Storrs occupied the whole of the session, and t was not concluded at the hour of adjournment. Every fresh question and answer was fresh ground presented to fight the case inch by inch. Thus counsel got into frequent wrangles, which would have been internable were it not for the prompt rulings of th Court, which exposed and rendered futile all the well-spun webs of objections and obstructions of

ATTENDANCE OF SPECTATORS from the beginning to the close, who seemed to enjoy with great zest the thrust and guard and counter thrust of the legal knights. The jury, however, were not so interested in the foren warfare, and only pricked their ears or rubbed their eyes when the oracle on the bench opened his lips and pronounced his decision on some one or other of the obscure—to lay ears—points raised. The testimony of Mr. Storrs, on the other hand, was as complex and perplexing to the said jury as the subtle or confusing argument of counsel, and so between testimony as to vouchers, certificates, warrants, signatures, pigeon-holes, Boards of Supervisors and Boards of Audit and the sounds of millions, four-fifths of the jury nodded the noon away, till waked up by the welcome stir in the court room which indicated the hour of recess. On the reassembling of the Court the same scene was re-enacted. Counsel had another "set to" and jurors another dose. Mr. Tweed and young Dick sat throughout the whole proceedings unmoved. The Boss, while pulling on his overshoes, was asked by a casual acquaintance "how he felt."

OH, I PEEL ALL RIGHT, TRANK YOU, and I'll feel better when it comes to my turn to put witnesses on the stand," was the reply of the Boss. From present appearances the trial promises to be one of the most protracted held in the Court of Oyer Terminer since the McFarlandchardson case. Counsel are not likely to grow tired of the rich harvest they are reaping, and

tired of the rich harvest they are reaping, and unless a juror succumbs to a weariness of spirit, or is prostrated by ili-ligath, and eventually leaves his chair vacant for good belore a result is arrived at, the dog days may be upon us before that much-to-be desired event will come to pass.

Proceedings were resumed at the usual hour yesterday morning in the Tweed case.

W. M. Tweed, Dick Tweed, General Tweed and the array of counsel retained for the defence, as also the two leading spirits of the prosecution, the champions for the people—Messrs. Tremain and Peckham—were all early in attendance.

Justice Davis took his seat on the bench at precisely eleven o'clock.

It was announced that owing to the decision of the Court yesterday on the objections raised by the defence, the witness first called, Deputy Compfroller Storrs, would be permitted to give his testimony in relation to the vouchers and other matters of audit.

COUNSEL AGAIN AT LOGGERHEADS.

After the intry had been called and answered a

matters of audit.

COUNSEL AGAIN AT LOGGERHEADS.

After the jury had been called and answered, a short wrangle took place between respective counsel as to the reading of the statute, which reading was proposed by the prosecution, under which the indictment was drawn, and the constitutionality of the prosecution of the property of the prosecution.

was proposed by the prosecution, under which the indictment was drawn, and the constitutionality of which is disputed by the defence.

Mr. Field stated that every count in the indictment called the defendant an officer, and he alleged, therefore, that it was compulsory on the prosecution to prove him such before any testimony could be taken.

The Court decided adversely to this proposition. An exception was then called for, and granted, to every answer of the witness bearing on the questions already passed upon by the Court.

ESTIMONY OF R. S. STORRS.

Richard S. Storrs sworn—I am assistant in the Comptroller's office; I know A. Oakey Hall; he was Mayor of this city in 1870; W. M. Tweed was President of the Board of Supervisors; R. B. Connoily was Comptroller; during a search in the safe in the Comptroller's office I found this paper (showing a paper in the handwriting of Mayor Hall).

Objection Taken.

The introduction in evidence of the paper was objected to, as it was claimed it was a resolution of the Board of Audit, and the resolution being in itself a crime alleged, it not being mentioned in the indictment, was not competent. The paper bore the signatures of Messrs. Hall, Tweed and Connoily, the Board of Audit. Under the decision of Judge Potter, it was claimed that the paper was not admissibility or inadmissibility of the docu-

of addies to the paper was not admissible.

The admissibility or inadmissibility of the document as evidence was argued at some length.

Judge Davis gave an extended decision and admitted the document.

The paper was then read.

EXAMINATION CONTINUED.

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The paper was then read.

EXAMINATION CONTINUED.

Witness—I found other things in the Comptroller's office in September, 1871, relating to these matters; in the latter part of the Summer of 1871

I found some vouchers; the Mayor was with me when I found them.

The witness was asked what he found the second time, and was proceeding to describe their nature, when the defence objected.

A number of vouchers then were shown the witness, who was asked to state the signatures on them. He did so. There were W. M. Tweed, R. B. Connoily and A. Oakey Hall, as President of the Board of Supervisors, Comptroller and Mayor, respectively. The witness also described the marks on the warrant made by the bank, certifying that the amount had been paid, &c.

The witness was asked a number of questions, by both counsel for the defence and prosecution, as to the handwriting appearing on one particular warrant and voucher shown.

Witness—I first saw the paper shown me in the latter part of the Summer of 1871; at that time they were all attached; they were also attached to each other—that is, the bill, voucher and warrant—at

latter part of the Summer of 1871; at that time they were all attached; they were also attached to each other—that is, the bill, voucher and warrant—at the time of the first trial of Mayor Hall; I was not charged with the custody of these papers, and was not responsible for their safe keeping.

OTHER OBJECTIONS.

Counsel for the defence said they now objected to the first sheet of the bill shown, as there was nothing on it connecting it with Mr. Tweed, and the only portion of the second page of the bill admissible was that wherein was contained the signature of the defendant; they must show that the first page of the bill was attached to the second at the time Mr. Tweed signed his name to the latter, The question was thoroughly discussed.

Judge Davis said the ingenious objections of counsel seemed to him

ANTAGONISTIC TO ANY PRACTICAL ADMINISTRATION OF JUSTICE.

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The papers were admitted in evidence, and the
objection declared not good.
A number of other objections were made to other
portions of the papers, all of which objections were
overruled and exceptions noted. The papers were
then read to the jury by Mr. Peckham. The bill
was dated July, 1860, and gives items of charges for
work of different kinds performed about the City
Hall. The vouchers produced were signed by the
Mayor, the Comptroller, by the defendant and by
E. A. Woodward. The cut mark is evidence that
the bank paid the money. The filling in of the certificate of audit was in the handwriting of the
County Auditor, Stephen C. Lyons.
To Defendant's Counsel—There is nothing on the
bill in Mr. Tweed's handwriting except his name.
The words "Chairman of Committee" were written
under Tweed's signature by Woodward.
Voucher "No. 2" was then handed to witness,
and the same set of questions were put and objections made as to Voucher No. 1. This was a bill of
Keyser & Co. for \$27,887 36; the certificate of audit,
and the Comptroller's warrant and County Clerk's
eertificate. Objection was made as before against
accumulation of offences.

The next (they were all Keyser's), for \$16,924 62,
\$19,870 14, \$36,830 80 and \$44,388 67.

The last bill was specially objected to on account
of apparent aiterations with a pen on the face of
the bill, which the witness could not tell anything
about.

The last bill was specially objected to on account of apparent alterations with a pen on the face of the bill, which the witness could not tell anything about.

The witness was next banded a bill and certificate of audit, the bill being dated July 1, 1870, and the certificate as issued or made July 8, 1870.

Mr. Field raised the objection that it was inadmissible to put in evidence any act of the defendant alleged to have been executed by him after he had ceased to be an officer de jure. The defendant was here on trial for acts alleged to have been done by him in his official capacity as President of the Board of Supervisors. This certificate bore date of July 8, when in fact the defendant had CRASED TO BE AN OFFICER.

Several days before by virtue of an act of the Legislature, which legislated the Board of Supervisors out of office and provided for the creation of another body empowered to exercise the functions formerly exercised by this Board. He held that such evidence was wholly inadmissible and understood the Court to have ruled to that effect on another objection taken on Wednesday.

The Court explained that in the ruling referred to it held that when the defendant ceased to be President of the Board of Supervisors he ceased to be President of the Board of Supervisors he ceased to be an officer de jace, assuming to exercise his functions, is deemed liable for misfeasance, if committed by him while so acting.

At this point the Court read the ruling in question from the transcription of the stenographer's notes (of the accuracy of which transcription some doubts were expressed by the Judge) to the effect that unless the defendant were an officer de jure he could not be compelled to discharge the functions of the office. It would be another question, however, where an officer no longer under the objection for his jurat takes upon himself the discharge of a duty and in

THE EXERCISE OF THAT FUNCTION violates a statute. In the first case the remedy against him would be for neglect to fulled a duty, and in th

functions merely devolved upon some one else by
the operation of the act of the Legislature?

Mr. Field claimed that the office had actually
ceased to exist, and read from the act to show that
the Board of Supervisors "shall be abolished" from
July 1, 1870, the duties heretolore performed by
them being conferred upon an entirely
NEW SET OF OFFICERS,
under a different name.

Judge Davis inquiringly suggested, "Was not
that a more succession?"

"No more a succession?"

"No more a succession," replied Mr. Field, "in
this case than George Washington was the successor of the President of Congress. Both in their
times were the chief executives, and that was all.
There was no succession, for Washington's was an
entirely new office."

Mr. Bartlett—also for the defence—followed Mr.
Field in maintaining the same point; after which
Mr. Tremain, for the prosecution, addressed the
Court briefly, and argued that Tweed was an office
of facto; that the Legislature did not actually
abolish the Board by the spirit of the law on July
1, 1870, but that the functions of the Board were
presumed to exist until all its duties in the auditing of certain accounts were discharged. It was
competent for the Legislature do oner power upon
the persons named in the act making them Commissioners of Board of Audit, and the defendant
was not

Americ Usurper.

He continued to fill the office, and left it to his suc-

the persons named in the act making them Commissioners of a Board of Audit, and the defendant was not

He continued to fill the office, and left it to his successor to try his right to oust him by quo warranto. The evidence, he thought, should be admitted, subject to the charge of the Court.

Mr. Bartlett again rose and addressed the Court in a rather sleepy, as the day's proceedings had been extremely dull. The discussion looked involved and "hair-splitting" to a layman, and a gentleman in Court expressed the situation exactly when he quoted Dundreary, soft roce, by intimating that this was "one of those things that no fella can find out." Eight of

THE JURORS HAD THEIR HEADS
resting in various positions on their hands, a ninth was picking his ear, a tenth stroked his mustache leisurely down with both hands, and the remaining two looked excessively somnolent. Tremain turned in his chair and looked at Bartlett with a soft, well fed, leonine expression. Storrs, the witness, looked as though he was in the stocks, and would like to walk around the room once or twice to stretch himself. Mr. Field wore a red necktle, and looked quite dignified as he rested patiently back in his chair. Mr. Tweed's necktle was white, and there was no expression of either fatigue or anxiety visible about him.

Mr. Fullerton, with his usual brusque, forcible manner, got up when his bower, Mr. Bartlett, sat down, and made the point that Tweed could not have been an officer either de fure or defacto on huy 8, 1870, as he had already been superseded. He could no more be an officer then than Mayor Hall could assume to be Mayor now.

Judge Davis said—The case is very different, because we have a Mayor in Mr. Havemeyer.

Acrowd op Kreen Ones.

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though it wasn't, and wheezed out a laugh.

Then Mr. Bartlett got up again and said the same thing over that himself and associates had been saying for the last half hour—only, of course, like them, he put it in different words each time, and its counced something like a new point

and a defacto officer at the same time. The defacto officer might claim his right; but it was impossible that two could at the same time be in possession. The Court stated that in its opinion there was in this city at this time an instance shewing that there might be two officers with but one office. We have two deputy chamberlains—one legal necessarily, and the other illegal; but there were two deputy chamberlains until it was determined which one was legally entitled to the office.

Mr. Field regretted his inability to

MAKE HIMSELF INTELLIGIBLE through the medium of the English language; but the point he desired to impress on the Court was that there could not be two in actual possession.

The Court said there had been a time when two Judges of the Supreme Court, each claiming to be entitled to one seat, sat on the bench together, and each discharging his duties at the same time.

Mr. Field—Yes, one vacating orders as fast as the other granted them. (Another saufling laugh from the crowd.)

Judge Davis continued to state his illustration, and said that each of those judges was in possession of the office, and the illegal one was equally protected in his duties with the other.

Mr. Field—No sir i no sir!

The Judge millidy continued—each was protected

protected in his duties with the other.

Mr. Field.—No sir! no sir!

The Judge mildly continued—each was protected until their rights were determined.

Mr. Field (rapidly)—No sir! no sir! no sir!

THE THING AT THIS TIME

degenerated into a sort of promiscuous "jaw," which the Court quickly perceived and stopped by holding that the defendant was at the time in question on officer de facto; that the highest interests of the people required that the office should be continuous, and that one who discharged its functions even without right, but with color of right, was responsible. The evidence was ordered to be received, and exception was taken thereto by the defence.

responsible. The evidence was referred to be received, and exception was taken thereto by the defence.

Several other "exhibits," consisting of bills of "Keyser & Co." and other parties, were handed to witness, together with the certificates of audit of various dates, but all coming within the period terminated by July 1, 1870. The witness was examined only as to certain signatures, Mr. Peckham conducting the examination.

Q. Are there any accounts in the Comptroller's office in reference to the books of audit? A. The record of vouchers and the audit books are all that I know of; Mr. Watson's room adjoined the room of Mr. Connolly, the Comptroller; there was a partition separating the rooms; a private door from the Comptroller's room led into Mr. Watson's room; Mr. Watson died in January, 1871.

THE STOLEN VOUCHERS.

Q. Do you know of anything being taken from the Comptroller's office about the 11th or 12th of September, 1871?

One of the defendant's eight counsel here rose and objected to the question. He said this question brought up the consideration of the point whether the Court was now going into the trial of A CASE OF IMAGINARY BURGLARY.

There was no pretence that any burglary in fact had been committed. Mr. O'Conor, who drew the

oroke into the Comptroller's office first broke out of it. Counsel's theory always had been that the person who did that job was legally inside that office. The indictment merely charged that the papers in question were "wholly lost," but did not allege how or in what way "lost," but did not allege how or in what way "lost," hor even whether "lost" in an extraordinary manner. It was incumbent on the prosecution here to show that the defendant had control of those papers. Mr. Tweed's position here was a serious one and involved the question whether the prosecution could come in here and testify either from memory or by perjury as to whether certain papers of which they had control and which they claimed to be now lost were of a certain character. The prosecution proposed to show that the defendant signed some sixty or seventy papers. They would come in and have their witnesses swear from their memory that those signatures of Mr. Tweed were genuine, and the defence would have no opportunity of showing, in consequence of the ASSENCE OF THE PAPERS.

Whether the signatures were forgeries or not, It would be very different if the defendant had been in control of the papers when lost, but the prosecution had been their custodians, had lost them and now proposed, at the risk of memory, or, perhaps, of perjury of their witnesses, to show what those papers which they have lost contained. It was their duty to produce the papers.

Connect them read extracts from the indictment in reference to the disappearance of the vouchers and a lengthy brief on the subject of parole evidence, together with copious citations of authorities from the books.

At he close of the argument the Court ruled against the defendant's objection and an exception was taken.

The Court then, at four o'clock, adjourned until

was taken.

The Court then, at four o'clock, adjourned until this morning.

REMINISCENCE OF THE RING RE-

Legal Squabble on Rent for an Armory-Asking for a Peremptory Mandamus Against the Comptroller and Accepting an Alternation Writ Instead—Disposition of the Case To-Day. Mr. Alexander T. Compton, a brother-in-law of

Henry J. Ingersoil, whose name has figured so prominently in connection with the alleged "Ring frauds," leased to the city, through the Board of Supervisors, portions of the buildings Nos. 108 and 110 West Twenty-fourth street to be used as an armory. The rent agreed upon was \$17,500 a year, and the same was to be paid by the Comptrol-ler quarterly. On the first quarter day of ast year the Comptroller was duly called upon for the quarter's rent, but he refused to pay. The same result followed every successive application during the year. At length the Comptroller assigned the claim to Joseph N. Walton. The latter gentleman grew weary of importuning the Comptroller, and thought he would see what virtue there was in stones, or, in other words, determined

there was in stones, or, in other words, determined to bring the matter into the Courts. His initiative legal proceedings were of a very decisive character. He applied yesterday, or rather his counsel, Mr. Fulierton, did for him, to Judge Barrett, at Supreme Court, Chambers, for a peremptory mandamus against the Comptroller, directing him to pay the amount of the claim. The case was argued at considerable length, Mr. Strahan appearing as counsel for the Comptroller. He submitted two affidavits, one showing that there was no record in the Comptroller's office of any assignment of the claim, and the other of a gentleman, claimed to be a competent judge in the matter, that \$7,000 would be liberal rent for the premises. He urged further that the claim had not yet been audited, as required by statute. The report was that it was too late now to complain of excessive rent, the premises having been occupied under the conditions of the lease during the term for which pay of rent is claimed. As to the assignment, it was claimed that if the writ was incompetent this could be remedied in the writ. As to the

claim not having been awarded, it was urged that there was no necessity for this, as the Board of Audit could not change the amount, it having aircady been fixed by contract. After some further argument it was finally agreed upon between coun-sel that an alternative writtissue returnable to-day, and an order to this effect was given.

THE JUNEL ESTATE CASE.

The Suit of Rowen vs. Chase-Testimony for the Defendant-Contradiction of the Evidence of G. W. Bowen and Daniel Hull-A Lively Time in Court.

The further hearing of the case of George Washington Bowen vs. Nelson Chase was resumed yesterday, in the United States Circuit Court, be-

fore Judge Shipman and the special jury.

Mr. Hoar and Mr. Chauncey Shaffer appeared as counsel for the plaintiff, Mr. Chatfield being absent from illness, and Mr. Charles O'Conor and Mr. J. C. Carter for the defendant.

DEPOSITION PUT IN.

Mr. O'Conor produced the deposition of Daniel Hull, taken before Mr. Daniels on the the 12th, 13th, 14th and 16th days of January, 1871. The deposition

with his mark on the last day of the examination named above. Counsel also produced the deposiand signed by him. Hull had stated that he had not signed that deposition.

Mr. Lucius C. Ashley, a lawyer, at present resid-ing in this city, but who had lived in Providence in 1866, deposed that he had taken depositions in relation to the will of Madame Jumel under a commission. He identified a bundle of papers as the depositions he had so taken on that occasion, in the taking of the deposition of Daniel Hull at Hull's own house in South Providence; has no doubt Hull signed the deposition, because he (witness) had put his furat to the paper that he had

ness) had put his jurat to the paper that he had signed it; Mr. Toby was present when the deposition was taken; great care was taken to write down just what the witness said.

Cross-examined—I was examined on the last trial, and have not looked at my deposition since; I do not recollect particularly that Mr. Hull was sworn; I can only say that all the witnesses were sworn or affirmed; I wrote down all that was material in the examination—all that was responsive to the questions.

to the questions.
Q. Did any of the witnesses examined under that commission state that they had seen Madame Jumel in Providence with a little boy?
Mr. O'Conor objected to the question.
The Judge—What is the object of the question?
Mr. Shaffer—To test the recollection of the witnesses.

Mr. Shaffer—We except.

Mr. Shaffer—We except.

Counsel for plaintiff then moved that they have a right to cross-examine the witness in reference to the other depositions contained in the commission. The Judge—When the deposition of any of those witnesses comes up before the Court I will rule upon it as a distinct matter.

TESTIMONY OF JOHN F. TOBY.

Mr. John F. Toby, a lawyer, residing at Providence, R. I., deposed to taking the depositions under the commissions referred to by the previous witness, Mr. Ashley; Daniel Hull was examined on that occasion at his own house in South Providence; Hull signed his deposition, and he was either affirmed or sworn; has no recollection that at that time Hull was ill; has no recollection that the made any complaint to that effect; has no recollection that the was earned to that there were any lawyers present at the examination but Mr. Ashley and himself; possibly there might have been some members of Mr. Hull's family preféent.

TESTIMONY OF FRANCIS A. DANIELS.

Mr. Francis A. Daniels sworn—I am an attorney—

there might have been some members of Mr. Hull's family Present.

TESTIMONY OF FRANCIS A. DANIELS.

Mr. Francis A. Daniels sworn—I am an attorney-at-law, residing at Providence, R. I.; I acted as a commissioner in taking the deposition of Daniel Hull, about fifteen months ago, in Providence, in the office of Mr. Green, my associate; Hull either made is mark or signed the deposition (deposition produced); that is the mark he made; the certificate to the deposition is mine; the deposition is in my handwriting; I think Mr. Tucker and Mr. Chatfield appeared as counsel for the plaintiff, and Mr. O'Conor and Mr. Carter for the defendant; the examination was conducted by Mr. Chatfield for the plaintiff and by Mr. O'Conor for the defendant; the evidence was taken down with great care; on the last day of the examination Mr. Hull appeared to be weak and fatigued; but in the course of the examination he was rather proud of his vigor.

Q. Did you more than a year ago have some conversation with George Washington Bowen about one Joseph Perryy A. Yes, some little conversation.

tion.

Counsel for plaintiff objected.

Counsel for plaintiff objected of the question?

Mr. O'Conor said that on the last trial Mr.

Bowen, the plaintif, identified Perry under oath as a person with whom he was acquainted. They wished to show by this witness that Bowen had stated to him that he did not know who that witness that he was a person, who was hunter. wished to show by this witness that Bowen had stated to him that he did not know who that witness was; that he was a person who was hunted up by another. They desired, if the Court pleased, to show this as a specimen brick of the generally corrupt character of the evidence introduced into this case, to which His Honor had paid so much attention. They meant to show, by the evidence now offered, that Bowen proved an association with the witness Perry and identified him as the friend of his youth—a statement which was entirely false. His [Mr. O'Conor's) object was to show that the getting up of such witnesses was to give a color of truth and justice to the case, which was as unlawful as it was corrupt and dishonest, and calculated to mislead the Court and jury by dishonest testimony.

This objection called up Mr. Channey Shaffer, who said there could be no doubt whatever that the evidence of Perry was as false as was ever given in any court of justice. Plaintiff's counsel had stated so on the previous trial, and they had dropped Mr. Perry.

Mr. Carter of counsel for defendant—No such

the evidence of Perry was as false as was ever given in any court of justice. Plaintiff's counsel had stated so on the previous trial, and they had dropped Mr. Perry.

Mr. Carter, of counsel for defendant—No such thing. You produced him and you did not drop him. We had to produce evidence at great length to contradict his testimony.

Mr. Shaffer relterated the statement that they had dropped Perry and that he believed the defendant had loisted Perry upon them for the purpose of damaging the plaintiff's case. Counsel proceeded to make use of very strong language in reference to Mr. Chase, the defendant, alleging that he would not stop at any corrupt means to carry out his purpose and that he was surrounded by persons who, he thought, would not hesitate at accomplishing their purpose by violence. From this point counsel launched out into an attack upon Mr. O'Conor, adverting to a former statement of his (Mr. Shaffer's) in relation to an alleged interference of Mr. O'Conor in regard to the formation of the jury, and charging upon Mr. O'Conor unfaithfulness to professional trust. He (counsel) did not know whether Mr. O'Conor had a right to use that name.

Mr. O'Conor at once rose to his feet, and replying to the remarks just uttered, said that when the individual who had spoken had previously made that charge against him respecting the jury the counsel had scowled at him like a demon. They had heard him blurt out a day or two ago an amount of violent vituperation and making a personal attack upon him (Mr. O'Conor) respecting the formation of the jury. If he had anything to do with a corrupt disposition of the jury it would have some relevancy to this case; but the statement was utterly and abominably false and unfounded. His Honor had beard the learned counsel say that he (Mr. O'Conor), with the aid of Mr. Chase, had robbed a woman of \$60,000. He submitted whether such language was proper in the Court, and whether he was not at liberty to say that those charges were utterly false and groundless—most abandoned false name he bore, he wanted to know if it was meant to charge him, too, with illegitimacy? He had not wandered, around the world. He stood within a short distance of the place where he was born; of the place where he was known for good or evil; he had spent his youth here; he had grown up with the city of New York, and he had now arrived at an age not to be exposed to attacks of this description. He thought that this kind of thing ought to be stopped. Counsel ought to proceed in some condition that they could try the case without the personal assaults upon character. His (Mr. O'Conor's) reputation was no better than his character, and if his character was not free from reproach, in God's name let counsel hring his charges; but those irrelevant speeches all on one side were grossly and infamously false, and ought not to be permitted unless they were to have a trial.

Mr. Shaffer was going on to say that they had been placed under a load of obloquy, and made other statements in a loud and rapid manner, when

other statements in a loud and rapid manner, when
Judge Shipman said he must stop this discussion, which was painful to him. The question now before the Court was whether he would admit the evidence offered by Mr. O'Conor. He would admit it.

The witness went on to state that in the latter part of December, 1871, George W. Bowen came into his office, and their conversation turned upon Joseph Perry. Bowen made a statement—and witness thinks he volunteered it—that he did not know Perry; that he was somebody Judge Tucker found, but that, may be, when he came to see him, he might know him.

The Kev. Mr. Stone, of Providence, and Secretary of the Historical Society of that city, produced copies of the Providence Journal for the years 1707 and 1800, and showed therein announcements of the deaths of Gitcon Huil and Mrs. Huil.

The further hearing of the case was adjourned till to-day.

GRAND JURIES FOR FEBRUARY.

Who Are to Constitute the Next Grand Juries in the Courts of Oyer and Terminer and General Sessions-Names on

There probably was never a time in our municipal history when such grave importance attached to the character of the men comprising the Grand

Juries of our criminal Courts as at present. The Grand Jurors for the next terms of the Court of Oyer and Terminer and General Sessions were drawn yesterday by Douglas Taylor, Commiss

Oyer and Terminer and General Sessions were drawn yesterday by Douglas Taylor, Commissioner of Jurors, in the presence of Judge Barrett, of the Supreme Court. Mr. Timbicton, Deputy County Clerk, turned the wheel from which the respective panels were drawn. It will be seen from the list of names as published below that some of our chief citizens are included in the number. The following is a list of the names drawn:—

OYER AND TERMINER GRAND JURY.

John Campbell, Edward A. Baidwin, Cornelius W. Timpson, Asher F. Meyer, Sylvester W. Comstock, Myer Myers, Bernard Smythe, Robert C. Livingston, John F. Zebley, Justus L. Buikley, Leopold Hoar, William Appleton, Jr.: Albert Degroot, Alexander Brendon, James H. John, Gilbert L. Kilty, William F. Andrews, Samuel S. Sands, William J. Merrall, David W. Bruce, Charles Hallock Mount, Robert Squires, William H. Philips, James H. Pinckney, Isaac F. Duckworth, Jeremiah Ogunlan, Jacob Goldsmith, Lazarus Rosenfeld, Bavid Ackerson, John J. Sinclair, William H. Knoeffel, Alexander R. Chisholm, William K. Mead. Alexander Turnbull, John L. Deer, Edward D. Bassford, Birdseye Blakeman, George Law, Jr.; Jorome B. Benson, Henry S. Leavitt, Blalze Lorliard Barsell, John H. Van Etten, John Endicott, William P. Blodgett, Jacob Capron, Charles H. Kesner, Robert M. Tunkhauser, Hugh Anchincloss, Samuel L Herrman, Charles A. Lambard.

GENERAL SESSIONS GRAND JURY.

John D. Wing, Cipharly Thompson, William Turnbull, Richard Heckscher, Jr.: John C. McCarthy, Henry Hughes, William H. Gray, Samuel Thomson, Robert Morrison, George G. Williams, David Quackenbush, William M. Fitess, Henry S. Tarbell, Meredith Howland, Pierre V. Duffor, Edward Anthony, James H. Nord, Christopher Moller, Benl. A. Kissam, Charles Hollis, William Shute, Henry W. Gray, Theodore Ross, Jerome B. Fellows, George W. Browne, Isaac H. Reed, Joseph N. Gimbrede, Alberts, Haffield, Henry R. Morgan, Benjamin J. Wenberg, John McKesson, Edward Pielan, Henry Marks, Louis C. Koppel, George B. Roys, James W. Westerdeld, Charles H. Deleva

BUSINESS IN THE OTHER COURTS.

UNITED STATES CIRCUIT COURT.

Important Decision on the Question of Habeas Corpus. By Judge Blatchford.

On the 18th of December last Rudolph Seligman and August Seligman, bankrupts, were arrested by the United States Marshal under a warrant issued by Commissioner Betts, under the forty-fourth section of the Bankrupt act, upon the asidavit of Emil Magnus, their assignee in bank-ruptcy, charging them, among other things, with merchandise, or the proceeds thereof in cash amounting to upwards of one hundred and fifty thousand dollars, which they had bought on credit within three months before their failure in May, 1869. On being brought before the Com-missioner the defendants, through their counsel, moved to dismiss the complaints and discharge the warrant, on the ground and discharge the warrant, on the ground that neither afflavit charged nor the warrant recited any specific offence under said section, the defendants claiming to be protected by the statute of limitation. This motion was denied and the defendants then gave ball and were discharged from custody. Subsequently an order was issued requiring the District Attorney and the complainant interested to show cause why the writ of habeas corpus should not issue in defendants' behalf.

After argument, the question was vesterday

ants' behalf.

After argument, the question was yesterday decided, the Judge retusing to issue the writ, on the grounds that the defendants were not restrained of their ilberty at the time the motion Institution of a Suit Against Secretary

Boutwell-A Curious Document-Dam-

Bartholomew Chifford Galvin appeared in the Clerk's office of the United States Circuit Court yesterday morning and filed a declaration, drawn up by himself, saying he intended to act as his own attorney in a suit which he wished to begin against Secretary Boutwell, to recover \$2,000,000, which amount he alleges the Secretary owes him for having instructed him how to make the paper currency of the United States equal in value to gold. The declaration, which is a strange document, recites that pialntiff presented to the Secretary plans by which the latter could, without the necessity of any legislation whatever, make sales of gold in such a way as to control the gold market and regulate the price, gold to be sold by the Secretary on a descending scale of prices until it reached par. The declaration concludes by reciting that the Secretary has acted to a great extent in accordance with the plans of plaintiff, and that as the Secretary, according to plaintiff's allegations, had promised to make adequate compensation if he used the plans, he should be compelled to do so by law and pay plaintiff \$2,000,000, which, according to plaintiff, is about an adequate compensation for the plans divulged. Secretary Boutwell, to recover \$2,000,000, which

UNITED STATES DISTRICT COURT-IN ADMIRALTY.

Collision Case-Decision. Yesterday Judge Blatchford rendered a decision n the case of Thomas Kelly vs. the ferryboat Manhassett, her tackle, &c., and the steamtug Hiram Perry, her tackie, &c. This suit was brought by the owners of a coal barge against the ferryboat and the tug. The tug not having been arrested, s counsel on the trial counsel for the ferryboat moved to dison the trial counsel for the ferryboat moved to dismiss the proceeding until the tug was brought in. The Judge denied the motion, and directed the prayer for process against the tug to be struck out. The canaiboat claimed that the ferryboat had turned out of her slip after the tug, which she was in tow of, was headed up the East River, and the ferryboat claimed that after she had got ont of her slip and headed up the river, the tug and this canaiboat, which had been going in opposite directions, suddenly sheered and came across the ferryboat's bows. The Judge held that the story told by the ferryboat was an impossibility, and that, by her own showing, she might have avoided the collision by stopping earlier. One of the witnesses for the canaiboat stated that he thought the ferryboat's counsel moved to dismiss the libel. The Court held that there was no allegation on their side in the pleadings that the damage was wilful, nor did the statement of the witness amount to what was called in law a "wilful wrong." Therefore the Court directed that there should be a decree for the libellant. Beebe, Dean & Cook for the libellant; B. D. Sillman for the claimants.

Officers of the Court of Common Pleas Looking After Their Salaries.

Before Judge Fancher. Suits were brought in this Court yesterday against the city by John Brener, James Coogan and Michael Dolan, for payment of salaries alleged to be due them as officers, in 1871, of the Court of Common Pleas. After hearing testimony the Court ordered verdicts for the full amount claimed, subject, however, to the decision of the General Term. The verdicts were \$1,000 for Brener and \$780 09 each for Coogan and Dolan.

SUPERIOR COURT-TRIAL TERM-PART I. Important Points Connected with Suits Under Letters of Administration. Before Judge Curtis.

Henry Rheinberger, some time since, came to his death, it is alleged, through injuries sustained by a defective elevator on the premises of Patrick by a defective elevator on the premises of Patrick Riley. Suit was brought by his widow against Mr. Riley for damages on account or her husband's death. It was claimed that she could not bring the suit, as she took out letters of administration in the city of New York, though her husband, at the time of his death, and she also resided in Brooklyn. It was further contended that letters of administration should have been taken out in Brooklyn, and that those taken out in New York, under authority of which the suit was brought, were invalid, the Surrogate being without jurisdiction, as the husband ided in New York. The Court held that the objection was well taken, and ordered dismissal of the complaint.

SUPREME COURT-CHAMBERS.

By Judge Barrett.

Lathrop vs. Godirey et al.—The defendants may take a commission if they desire it, but a stay of the trial is denied.

The People ex rel. W. H. Bell vs. Francis A. Paimer.—This order must stand.

Marsen vs. Nichols.—Motion granted.

Kelly, Administrator, &c., vs. The New York Railroad and Transportation Company.—Same.

Dennett vs. Dennett et al.—Motion denied, with \$10 costs.

SUPERIOR COURT-SPECIAL TERM Becisions.

By Judge Barbour.
Christy ve. Dolon.—Motion granted.
Jacobs vs. The Greenwich Insurance Company.—
Order granted.
Cohen vs. Lynch.—Order granted. O'Brien vs. Lynch.—Order granted.

By Judge Sedgwick.

O'Brien vs. O'Neil.—Motion granted as against Rosell by default; allowance \$200, decided against de Oystaron.

In the Matter of Solomon Jacobs.—See Clerk at Special Term.

Special Term.

By Judge Van Vorst.

Harvey vs. The Rubber Tip Pencil Company.—
Motion denied.

Bedell vs. Hittrich.—Case ordered to be filed.

By Judge Monell.

Popham vs. Wilcox.—Motion to continue inunction granted.

How Our Madison Avenue Houses Are Painted and Paid for.

The suit originated on the following facts:-I

Before Judge Gross. Charles Allen vs. Catherine Mears .- The plaintin sued the defendant to recover the sum of \$240 for services rendered and materials furnished in the painting of the defendant's house in Madison ave

appeared that the plaintiff purchased the interest and stock of a paint shop belonging to a man named Frank Bird, who, for nine years, did paintand stock of a paint shop belonging to a man named Frank Bird, who, for nine years, did painting for the defendant. Shortly after the purchase of Bird's paint shop by the plaintiff the defendant sent for Bird to perform some painting. Bird, who, it appeared, was doing job work for plaintiff, called upon the defendant and undertook to perform the services, without informing her that he was an employe of the plaintiff and was to do them through him. The services were rendered (the plaintiff having furnished the men and materials), and some money paid on account to Bird, who was engaged upon the job, with others, which amount was handed over to the plaintiff. In the meantime a mechanics' lien was field against Bird by some of his creditors, and the defendant was notified to appear in Court and testify as to the amount of her indebtedness to him. Sue did appear, and gave testimony as to the amount she thought she owed him, and the Court ordered her to apply the amount to the satisfaction of the lien, which she did. It appeared, though, that the plaintiff notified her of her indebtedness to him by presenting a memorandum of the services rendered and the materials furnished on painting her house, but which notice she did not acknowledge, mainting that she did not employ the plaintiff. The Court charged the jury that should they find the work was performed by the plaintiff, through his agent, the plaintiff was entitled to a verdict. Verdetendant, William Q. Judge.

By Judge Tracy.

Lindsay vs. McNien .- Motion to strike out answer as sham denied. Curreen vs. Symons.—Motion to vacate order dened. Jacobs vs. Sherman.—Motion granted. Faran vs. Smith.—Defendant may amend his an

COURT OF GENERAL SESSIONS.

Before Judge Sutherland. Before any case had been presented to the jury vesterday in this Court counsel for prisoners in a number of cases urgently moved for a postponement of the trials. Assistant District Attorney Russell politely but firmly resisted each application unless the counsel could show by amdavits the ma teriality of the testimony of the alleged absent wit

teriality of the testimony of the alleged absent witnesses.

His Honor, the City Judge, in refusing to grant these applications, intimated that in his administration of justice, while he would give accused persons every chance to establish their innocence, he should feel it to be his duty to sustain the District Attorney and his assistants in their efforts to expedite the disposition of the trial of criminal cases in this Court. Heretofore witnesses have been compelled by the summons of the Court to attend day after day on the trials of prisoners whose cases were frequently postponed upon the filmsy pretexts of counsei, and in numerous instances the witnesses for the prosecution being discouraged, the criminals escaped punishment. Under the new regime this abuse is going to be remedied in the future.

Alleged Bobbery—The Prisoner Pleads Alleged Bobbery-The Prisoner Pleads

Guilty to Larceny from the Person. Most of the day was spent in the trial of an in-

dictment for robbery preferred against George W. Williams, who was charged with being in complicity with others in assaulting John M. Hayes on the afternoon of the 30th of October, while in a drinking saloon at the corner of Thirtieth street and Sixth avenue. He was beaten and robbed of a watch worth \$25. The prisoner was arrested the same evening in a saioon near by the scene of the robbery, and identified by flayes as one of the party, although he could not swear that he participated physically in the robbery. The accused, when examined in his own behalf, admitted that he was there, and that the young men who had an altercation with Hayes were acquaintances of his, but denied that there was any preconcert of action between him and them to rob the complainant. The father of the accused, a resident of Bridgeport. Conn., and Judge Lockwood, his brother-in, law, testified to having sworn the complainant Hayes, who went to Bridgeport as head water in the City Hotel, to an affidavit, wherein he stated that Williams took no part in the attack. After deliberating for some hours the jury were called into Court late in the evening and stated they were unable to agree. Eleven were for conviction and one for acquittal.

Mr. Russell consented to take a plea of guilty of petty larceny from the person, which the prisoner, through his counsel, Mr. McClelland, tendered.

His Honor sentenced him to the State Prison for five years. and Sixth avenue. He was beaten and robbed of a

Frederick H. Pinkle, charged with perpetrating a donious assault upon Frederick Baurlen, on New Year's night, opposite his lager beer saloon, in William street, by striking him with a club on the name street, by string into the jury that he was assaulted by the complainant, and, without leaving their seats, they rendered a verdict of not guilty. William Blair was tried upon an indictment charging him with being concerned with another William Blair was tried upon an indictment charging him with being concerned with another party in stealing a watch from Michael J. Smith, at the corner of Spring and Sallivan streets, on Sunday, the 15th of December. The defendant proved by witnesses who saw the occurrence that Blair was not there, and having established a good character by his employer, a boiler manufacturer, the jury rendered a verdict of not guilty without leaving their seats.

Petty Larceny. Catharine Buchanan, charged with stealing a pocketbook containing \$6 from Jacob Ganter, pleaded guilty to petty larceny, and was sent to-the Penitentiary for six months.

COURT CALENDARS-THIS DAY.

COURT CALENDARS—THIS DAY.

SUPREME COURT—CIRCUIT—Part I—Held by Judge Fancher.—Nos. 931, 1089, 1423, 709, 1281, 777%, 782, 787, 789, 791, 709, 809, 811, 815, 819, 823\(\frac{1}{2}\), 825, 827, 829. Part 2—Held by Judge Van Brunt.—Case on. Supreme Court—General, Term—Held by Judges Ingraham, Brady and Learned.—Nos. 150, 156, 158, 150, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 171, 126, 172, 173, 174, 175, 176, 177, 179, 180. Superior Court—Trial Term—Part 1—Held by Judge Curtis.—Nos. 1349, 1885, 1903, 1457, 1815, 1899, 493, 1435, 1231, 531, 959, 1695, 1106, 1753. Part 2—Held by Judge Freedman.—Nos. 834, 1486, 1256, 1344, 1389, 1140, 234, 1466, 1369, 1168, 1006, 1008, 1012, 1614, 1616.

COURT OF APPEALS CALENDAR.

ALBANY, N. Y., Jan. 15, 1873.

The calendar of the Commission of Appea's for Thursday, January 16, is as iollows:—89, 90, 905, 91, 306, 324, 17, 48, 50, 61, 65, 79, 16, 29, 32. The Court will open at ten o'clock A. M.

UNITED STATES SUPREME COURT.

WASHINGTON, Jan. 15, 1873. No. 90. Kennicott et al. vs. Board of Supervisors of Wayne County, Illinois-Appeal from the Circuit Court for the Southern District .- This bill was filed by the appellants, claiming to be holders of certain bonds issued by the Mount Vernon Railroad Company, to foreclose a mortgage alleged to have been executed by the county upon 100,000 acres of swamp and overflowed lands of the county, to sective the payment of the bonds. The defence was that the road did not run through the county, nor did it connect with any road running through the county, and that such a road or a road so connecting was the only ground upon which the county was authorized to assist in railroad construction. The Court below sustained the defence, and the case is brought here, the appellants insisting that the Court erred in its construction of the statute, and that in any case a negotiable security of a corporation which, upon its face, appears to have been duly issued and in conformity with the provisions of law, is valid in the hands of bona fate houders without notice of its illegal issue, though such be the fact. Scates, McClernand and Goodwin for appellents; Robinson, Freeman and Knapp for appellees. bonds issued by the Mount Vernon Railroad Com-

cuit Court for Aiabama.—This was an action of trespass brought by Morgan, a citizen of New York, for the seizure and detention of the steamer York, for the seizure and detention of the steamer Francis, owned by him, by Parham, a collector of Mobile. The defendant justified the act as being in the discharge of his duties as tax collector, there being due on this and other steamers owned by Morgan about \$7,000. It is bere claimed that the tax is a duty on tonnage, and as such it is prohibited by the federal constitution as being a regulation of commerce, which power is exclusively with Congress. It is besides said that if the State law smposing the tax is held constitutional as fixing a tax on property having its situs within the city limits, still this property is not liable for its position at the wharf for temporary purposes and does not bring it within the terms of the statute. The relation of the boat to the city was that of contact only, as one of the termini in the promotion of the owner's business. The steamer did not so abide within the city as to become incorporated with and form a part of its personal property, and it was therefore beyond the jurisdiction of the Court. P. Phillippa for plantal in error: C. F. Mogiton for defendant.